

Newburyport Conservation Commission

April 17, 2012

City Hall Conference Room

Minutes

1. Call to Order

A meeting of the Newburyport Conservation Commission was called to order by Chairman Joe Teixeira at 6:30 p.m.

2. Roll Call

In attendance were members Joe Teixeira, Paul Healy, Steve Moore, Jim O'Brien and Doug Muir and Conservation Administrator Julia Godtfredsen.

3. Minutes

Steve Moore moved to approve the minutes of the April 3, 2012, meeting as amended. Doug Muir seconded the motion. The motion was unanimously approved.

4. General Business

Citywide Wetland Ordinance

The Commission members discussed the revisions Andy Port made to the draft ordinance. Paul Healy said he found some changes confusing, especially with regards to Plum Island. He said some performance standards have been embedded in the definitions. Doug Muir questioned the deletion of the removal of trees and shrubs from the section on regulated activities. He was concerned that this could be interpreted as allowing an extensive removal of trees. It was decided the section should not be deleted from the ordinance. Small-scale projects might be exempt under the routine maintenance section of the regulations. The Conservation Administrator would decide if the scope of work would fall under the exemption. Doug Muir said the scope of tree pruning might be extensive and should not be exempted. There should also not be blanket exemptions for undefined activities, such as vista pruning, which could be broadly interpreted. Commission members decided that the conversion of lawns to decks, patios and pools should not be an exempted activity. There were questions about two exemptions relating to substantial improvements. Andy Port will be asked to discuss these at the next meeting.

5. Certificates of Compliance, Requests for Determinations, Requests for Minor Modifications

None

6. Public Hearings

Paul Healy moved to recess the meeting and open the public hearings. Doug Muir seconded the motion. The motion was unanimously approved.

Timberline Enterprises

23 Low Street

Patrick Seekamp appeared for the applicant. Before the meeting some members of the Commission visited the site that is currently being used for boat storage. There are two wetland boundaries on the site: one runs along the western property boundary from the back of Elks

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lodge to a swale and another traverses the entire eastern portion of the site. The site is an elevated fill structure and a paved driveway with catch basins runs through it.

There are several concrete drainage structures on the site. The delineation includes the two outer basins, the ends of which open to the BVW boundary. The inner chamber is entirely of concrete. Because it is a pipe system the concrete face of the basin becomes bank. Its function is to convey water through the pipe.

Mr. Seekamp said there is an additional concrete basin on the site that he believes to be a constructed storm water detention basin. There are no inlets except for the catch basins from the street. There is also a stormwater detention area with concrete headwalls on two sides. Mr. Seekamp said this is a not a resource area but rather a constructed storm water conveyance. It is filled predominately with phragmites and is need of a cleanout.

Mr. Seekamp defined the resource area as a bordering vegetated wetland with some function of bank in the chambers. There are several ditches within the BVW delineation on the west side of the site.

Joe Teixeira said the flag line should be shown as running at the top of the headwall. The plans will be revised to reflect this change.

Dan Harding and his wife Cathy attended the meeting. He said his parents own the properties at 19 and 21 Low Street. He provided a history of the site, which shed light on the drainage patterns. He said the culvert that runs from Route 1 to Graf Road has not been maintained and as the industrial park has become more developed, water has begun to back up into the basements of the houses.

A Notice of Intent has been submitted for the May 1 meeting. Steve Moore moved to close the public hearing. Doug Muir seconded the motion. The motion was unanimously approved.

7. Industrial Park Updates

DEP has appealed a permit the Commission issued at the December 6, 2012, meeting for Strem Chemicals. The Order of Conditions was for a minor stormwater maintenance action. The reason for the appeal is not known and DEP has not responded to inquiries by Julia Godtfredsen. The City was not able to take part in a site visit that was held on April 12.

Businesses in the industrial park have joined together and are expected to file a Notice of Intent for swale maintenance shortly.

Julia Godtfredsen said the Clean Tech Center is applying for an EPA technical assistance grant. Under the grant water quality, stormwater and drainage issues would be examined. The drainage would be analyzed, scenarios for the better management of storm water would be explored and strategies would be developed for the City to better regulate and support storm water management techniques such as green roofs.

8. Orders of Conditions

Doug Muir moved to issue an ORAD for Timberline Industries, 23 Low Street. Steve Moore seconded the motion. The motion was unanimously approved.

9. Enforcement

Crow Lane Landfill

Joe Teixeira recused himself from the discussion. Mayor Holaday said abutters have recently complained about increased odors from the landfill. The flare had gone down and is now back up. In addition the cement around the well is corroded, which contributes to smell.

Julia Godtfredsen said New Ventures has taken some action to stop the erosion and stabilize the slope. Partial plans have been submitted for other work that remains to be done. She read an email from Chip Nylan that stated that since the last meeting Mary Rimmer has walked the site and is in the process of making recommendations on the removal of sediment and the restoration of the site. The Commission is waiting for sampling results for the water flowing from the pipe.

1 Shandel Drive

Julia Godtfredsen said there is nothing new to report regarding the Enforcement Order that was issued for 1 Shandel Drive. The property owner is working with a consultant to develop a restoration plan. It is expected that an RDA or NOI will be submitted for one of the Commission's May meetings.

10. General Business Continued

Crow Lane Right of Way

Joe Teixeira said it would be desirable for the Crow Lane right of way to be eliminated, as there are vernal pools along it. He suggested the land would be protected if it were attached to the Cooper North Pasture.

Citywide Wetland Ordinance

The discussion on the draft ordinance was continued. Paul Healy said coastal engineering structures should be removed from the section on redevelopment. He suggested a section be added to the ordinance that refers to barrier beaches. Andy Port will be asked to discuss the section on development and redevelopment at the next meeting.

FEMA Flood Zones

Julia Godtfredsen said DEP has not yet responded to her inquiry on how the new FEMA maps are to be used.

Whittier Salt Marsh Monitoring

Julia Godtfredsen said there is no update on the plan to monitor the salt marsh.

Beach Management Plan

The Beach Management Committee is scheduled to meet on April 26. Andy Port plans to attend the meeting. The deadline to add sand passed on April 15.

11. Adjournment

Paul Healy moved adjourn the meeting at 8:30 p.m. Dan Warchol seconded the motion. The motion was unanimously approved.